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June 25 2020 3:10 PM

KEVIN STOCK  
COUNTY CLERK  
NO: 20-2-06657-1IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
IN AND FOR PIERCE COUNTY

9

10 WAYNE PRICE, an individual,	
11	Plaintiff,
12 vs.	No.
13	COMPLAINT FOR PERSONAL INJURIES 14 WASHINGTON STATE PATROL, and 15 BENJAMIN J. CRABTREE, an individual in his official capacity only, 16 Defendant(s).

17

18 COMES NOW the Plaintiff, by and through his attorneys of record, Barry J. Wallis and  
19 Cambria Queen, of WALLIS LAW FIRM, PLLC, and for a cause of action against the Defendants  
20 as follows:

21

**I. PARTIES**

22

23 1.1 Plaintiff: WAYNE PRICE, at all times material to this cause of action, the  
24 Plaintiff, WAYNE PRICE, resided in Pierce County, Washington.

25

COMPLAINT PERSONAL INJURIES AND DAMAGES  
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1           1.2   Defendant:   Defendant BENJAMIN J. CRABTREE, based on information and  
2         belief, at all times material hereto, BENJAMIN J. CRABTREE, resided in Thurston County,  
3         Washington.

5           1.3   Defendant:   Defendant WASHINGTON STATE PATROL, at all times material  
6         hereto is an agency of the State of Washington.

7           1.4   Defendant BENJAMIN J. CRABTREE was employed by and acting on behalf of  
8         his employer, WASHINGTON STATE PATROL, at the time the acts complained of in this action  
9         occurred. All acts and omissions of tortious activity herein were performed by Defendant  
10         BENJAMIN CRABTREE as agent for, on behalf of, and for the benefit of Defendant  
11         WASHINGTON STATE PATROL.

13           1.5   Defendant WASHINGTON STATE PATROL, is vicariously liable for all acts of  
14         Defendant BENJAMIN J. CRABTREE.

## 16           **II. JURISDICTION AND VENUE**

17           2.1   Jurisdiction: The superior courts of the State of Washington have jurisdiction  
18         over the parties to and the subject matter of this litigation.

19           2.2   Venue: Venue is properly placed in Pierce County, Washington for this is the  
20         county in which the plaintiff resides pursuant to RCW 4.92.010(1).

## 22           **III. COMPLIANCE WITH RCW 4.92.100**

23           3.1   Plaintiff served a standard Washington State Tort claim form in accordance with  
24         RCW 4.92.100 on March 26, 2020. More than sixty days have elapsed between the service of the  
25         Tort claim form and the filing of the complaint commencing this case.

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2                   **IV. FACTS**  
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4                  4.1 Paragraphs 1.1 through 3.1 above are incorporated herein by reference.  
5

6                  4.2 This case involves personal injuries and damages arising out of the false arrest,  
7 false imprisonment, discrimination based on sexual orientation, age discrimination, exploitation  
8 of an elderly individual, and intentional infliction of emotional distress that occurred on or about  
9 July 4, 2019.

10                 4.3 On the evening of July 4, 2019, Plaintiff was pulled over by Defendant BENJAMIN  
11 CRABTREE, badge number 1033, a Washington State Patrol officer, in Thurston County,  
12 Washington. Plaintiff was dressed in women's clothing and was wearing a wig and makeup as  
13 part of his lifestyle choice and sexual orientation. During the traffic stop, Officer Crabtree  
14 subjected Plaintiff to extreme ridicule, roadside sobriety tests, and humiliation.



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1           4.4 During the roadside sobriety test, Plaintiff was subjected to a breathalyzer test in  
 2 which the results showed a BAC level of .018. RCW 46.61.502 provides that a BAC level of  
 3 above .08 is required for an individual to be found to be driving under the influence. Even though  
 4 Plaintiff's BAC level was far below the required .08 level, he was still arrested and charged with  
 5 a DUI.

6           4.5 Upon his arrest, Plaintiff was taken to jail and booked in, being humiliated and  
 7 ridiculed continuously in the process due to his age and attire. Additionally, due to the arrest of  
 8 Plaintiff, his vehicle was impounded and his dogs inside the vehicle were transported to the  
 9 Humane Society. Upon the release from jail, Plaintiff was forced to pay to remove his vehicle  
 10 from impound and to remove his pets from the Humane Society.

11           4.6 At the hearing assigned for this matter in the Thurston County District Court, the  
 12 Court dismissed the charge of DUI against Plaintiff, finding the charge to be unfounded.

#### 13           **V. TORTIOUS CONDUCT AND PROXIMATE CAUSE**

14           5.1 Plaintiff WAYNE PRICE, re-alleges and incorporates by reference paragraphs 1.1  
 15 through 4.6.

16           5.2 False Arrest. Although Officer Crabtree performed a roadside breathalyzer test,  
 17 which results showed Plaintiff was not under the influence while driving, Officer Crabtree  
 18 intentionally and maliciously chose to arrest Plaintiff, falsely claiming Plaintiff was driving while  
 19 intoxicated and charging Plaintiff with a DUI. The evidence of the BAC levels show this claim  
 20 and charge to be false. As there was no other cause for arresting Plaintiff aside from the  
 21 discrimination shown by Defendant Officer Crabtree of Plaintiff Wayne Price's age and sexual  
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 24  
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1 orientation, there were no grounds for arresting him. However, Officer Crabtree did arrest  
 2 Plaintiff. Because of this arrest, Plaintiff's civil rights and constitutional rights were violated by  
 3 Defendant Crabtree.

5.3 False Imprisonment. Through Defendant BENJAMIN CRABTREE's actions in  
 6 intentionally and maliciously falsely arresting Plaintiff, he caused WAYNE PRICE to be falsely  
 7 imprisoned under inappropriate charges. Plaintiff was not under the influence as his BAC level  
 8 was nowhere near the state regulated .08. By claiming Plaintiff was under the influence, with a  
 9 BAC level of only .018, Officer Crabtree intentionally caused Plaintiff to be booked and  
 10 imprisoned under false claims. Being imprisoned under false allegations and for the mere reason  
 11 of humiliating an individual based on their age and sexual orientation is a violation of the harmed  
 12 individuals' civil rights under the United States Constitution, as well as the Washington State  
 13 Constitution. Furthermore, 42 U.S.C. §1983 provides that any person who causes another  
 14 individual to suffer from deprivation of rights shall be liable to the injured party.

5.5 Sexual Orientation and Discrimination. Plaintiff Wayne Price enjoys wearing  
 18 women's clothing, long-haired wigs, and make-up. He feels more like himself when he is dressed  
 19 in such attire. Although Plaintiff is not a homosexual man, his comfort in his appearance could  
 20 possibly lead another individual to assume he is. This is exactly what happened when Officer  
 21 Crabtree stopped Plaintiff and forced him to perform a field sobriety test on the roadside while  
 22 dressed in this attire. Officer Crabtree made disparaging remarks to Plaintiff and ultimately  
 23 arrested him for no reason other than the perceived sexual orientation of Plaintiff. Article XXXI  
 24 of the Washington Constitution provides equal rights based on sex. Additionally, RCW 49.60.030  
 25

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provides what civil rights every individual has in Washington, which include the right to be free from discrimination based on sex, sexual orientation, etc. By assuming Plaintiff was of a certain sexuality, and treating Plaintiff differently based on this assumption, Defendant Crabtree, through his employment with Defendant Washington State Patrol, violated Plaintiff's constitutional and statutory rights. This bias-based discrimination shown by Defendant deprived Plaintiff of his civil rights.

5.6 Age Discrimination. Plaintiff WAYNE PRICE is 77 years' old. Because of his age, Defendant BENJAMIN CRABTREE was disrespectful and severely unprofessional in his treatment of Plaintiff. Through Defendant's belligerent manners and humiliation of Plaintiff due to him being the age he is and dressed the way he was at that time, Plaintiff was discriminated against based on his age by Defendant. This bias-based discrimination exhibited by Defendant caused Plaintiff's civil rights to be violated.

5.7 Malicious Harassment and Elder Abuse. RCW 9A.36.080 provides that any person who maliciously and intentionally, based upon that person's perception of the victim's gender, sexual orientation, gender expression or identity, threatens and places that person in reasonable fear of harm to person or property, is guilty of a hate crime. Because of Plaintiff's attire, Defendant perceived Plaintiff to be of a specific sexual orientation or gender identity. Because of this perception, Officer Crabtree abused his position as an officer of the law when he threatened to arrest Plaintiff and followed through with that threat. Plaintiff Wayne Price reasonably believed Officer Crabtree to be capable of immediately carrying out his threats, based on Officer Crabtree's position of authority. That threat caused Plaintiff to reasonably fear for his safety, as any

reasonable person in Plaintiff's position would, due to the reactions and treatment by other inmates in Thurston County Jail. Additionally, through Officer Crabtree's threat and act of having Plaintiff's vehicle and animals impounded, Plaintiff reasonably feared for the safety of his pets and harm to his vehicle. Because of Plaintiff's age, and Officer Crabtree's malicious and intentional treatment of Plaintiff, Plaintiff was severely abused by Officer Crabtree and his actions. This abuse qualifies as a hate crime.

5.8     Intentional Infliction of Emotional Distress. As a direct and proximate result of Defendants' actions in intentionally and maliciously arresting, jailing, impounding, and humiliating Plaintiff, Defendants caused severe emotional distress to Plaintiff. The facts previously set out give rise to causes of action for negligent and/or intentionally infliction of emotional distress. Defendant's conduct was negligent, extreme, outrageous, and/or intentional, as those terms are understood and defined by the laws of the State of Washington.

5.8 The negligence, fault, acts, inactions, or omissions of Officer BENJAMIN CRABTREE as previously described herein under the sections of this Complaint describing the parties, facts, and liability, were the cause-in-fact and the proximate cause of Plaintiff's damages as hereinafter described.

## **VI. RESERVATION OF RIGHTS**

6.1 Plaintiff WAYNE PRICE, hereby reserves the right to amend this Complaint and/or the Defendants identified herein as allowed by statute, court rule, and case law and as additional facts are obtained through ongoing investigation and discovery.

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1  
2           **VII. CLAIM & DAMAGES**  
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4           7.1     As a direct and proximate result of the Defendants' tortious acts and maliciousness  
 5     in their false arrest, false imprisonment, discrimination based on sexual orientation, age  
 6     discrimination, hate crimes, exploitation of an elderly individual, and intentional infliction of  
 7     emotional distress, Plaintiff's civil rights and constitutional rights were violated by Defendant  
 8     Benjamin Crabtree and Washington State Patrol. Because of the violation of Plaintiff's civil and  
 9     constitutional rights, Plaintiff Wayne Price was injured, suffered and continues to suffer emotional  
 10    trauma, loss of enjoyment of life, and other damages.

11           WHEREFORE, Plaintiff prays for judgment against the Defendants, jointly and severally,  
 12    in an amount that will compensate Plaintiff for all damages sustained, including:

- 13       a.     Economic
  - 14         i.     Income loss;
  - 15         ii.    Other out-of-pocket expenses, the amount of which to be proven at trial; and
  - 16         iii.   Other recoverable economic damages.
- 17       b.     Non-economic
  - 18         i.     Past and future mental and emotional suffering;
  - 19         ii.    Inappropriate arrest;
  - 20         iii.   False imprisonment;
  - 21         iv.    Age discrimination;
  - 22         v.     Sexual orientation discrimination;
  - 23         vi.    Malicious harassment and elderly abuse;

- 1                      vii. Negligent infliction of emotional distress;  
2                      viii. Hate Crimes;  
3                      ix. Loss of enjoyment of life; and  
4                      x. Other recoverable non-economic damages.

5                      **VIII. PRAYER FOR RELIEF**

6                      Plaintiff prays for judgment against Defendants as follows:

- 7                      8.1 For a judgment of liability in favor of the Plaintiff and against the Defendants;
- 8                      8.2 For an award of damages in favor of the Plaintiff and against the Defendants in an  
9                      amount to be proven at the time of trial;
- 10                     8.3 For pre-judgment interest at the statutory rate on the economic damages incurred  
11                     by Plaintiff;
- 12                     8.4 For post-judgment interest at the statutory rate on the judgment amount;
- 13                     8.5 For Plaintiff's costs and disbursements herein and a reasonable attorney's fee; and
- 14                     8.6 For such further relief as is just.

15                     DATED this 25th day of June, 2020.

16                     WALLIS LAW FIRM, PLLC

17                     Barry J. Wallis  
18                     Barry J. Wallis, WSBA #37425  
19                     Cambria Queen, WSBA #54833  
20                     Attorneys for the Plaintiff